

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**FREDRICK ANDREW MORRIS,**

**Plaintiff,**

**v.**

**Case No. 21-CV-1393**

**DR. FARZANEH TONDKAR, *et al.*,**

**Defendants.**

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**ORDER**

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Plaintiff Frederick Andrew Morris, who is incarcerated and representing himself, filed four motions to compel discovery—two compelling defendant Lori Wacholz to respond to his discovery requests (ECF Nos. 89, 92); one compelling defendant Virginia Trzobiatowski to properly answer his requests for admission (ECF No. 90); and one compelling defendant Dr. Farzaneh Tondkar to respond to his discovery requests (ECF No. 94). This order resolves his motions.

**MOTIONS TO COMEPL WACCHOLZ (ECF NOS. 89, 92)**

On October 11, 2022, Morris filed a motion to compel requesting the court order Wacholz to respond to his discovery requests. (ECF No. 89.) He states that he sent his discovery requests on August 22, 2022, and she did not respond within the required 30 days. Then on November 1, 2022, Morris filed another motion to compel, again requesting the court order Wacholz to respond. (ECF No. 92). With this motion he attached a letter from Assistant Attorney General Kathryn Pfefferle, which stated

that Waccholz had 60 days to respond to discovery. Morris argues that Pfefferle was mistaken and asks the court to sanction Waccholz.

AAG Pfefferle is correct that parties have 60 days to respond to discovery requests. The court's scheduling order, dated August 16, 2022, modified the applicable Federal Rules of Civil Procedure and Civil Local Rules and extended the parties' time to respond to 60 days. (*See* ECF No. 79, ¶ 1, n. 1.) The court denies these motions to compel. If Morris still has not received a response from Waccholz once the 60 days have passed, he may refile his motion to compel.

#### **MOTION TO COMPEL TRZOBIA TOWSKI (ECF NO. 90)**

On October 17, 2022, Morris filed a motion to compel Trzobiatowski to "properly answer" his requests for admission. (ECF No. 90.) He states that she denied several of his requests for admission instead of admitting them because she does not currently have access to his medical records. Morris notes that he sent Trzobiatowski a release form, so she should have his medical records. Thus, he asks her to change her answers.

While Trzobiatowski may have the ability to access Morris's medical records, it is probable that at the time she answered the requests for admissions she did not have them. Because Morris has no evidence that Trzobiatowski was untruthful in her response, his motion is denied. However, the court reminds Trzobiatowski of her obligation to supplement her discovery responses in a timely manner. *See* Fed. R. Civ. P. 26(e). If she now has Morris's medical records, she is required to supplement her responses in the event her original responses were inaccurate.

**MOTION TO COMPEL DR. TONKAR (ECF NO. 94)**

On November 15, 2022, Morris filed a motion to compel requesting the court order Dr. Tondkar to respond to his discovery responses. (ECF No. 94.) However, his motion does not contain any details as to when he sent the discovery requests, when he was expecting a response, and whether he attempted to confer with Dr. Tondkar about any alleged deficiency in his response. As such, the court will deny his motion. If Dr. Tondkar still has yet to respond to the discovery requests, Morris may refile his motion after he makes a reasonable attempt to resolve his dispute with Dr. Tondkar without court involvement. *See* Fed. R. Civ. P. 37; Civil L.R. 37.

**IT IS THEREFORE ORDERED** that Morris's motions to compel (ECF Nos. 89, 90, 92, and 94) are **DENIED**.

Dated at Milwaukee, Wisconsin this 6th day of January, 2023.

BY THE COURT

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style with a horizontal line underneath the name.

WILLIAM E. DUFFIN  
United States Magistrate Judge